

VZCZCXYZ0007
PP RUEHWEB

DE RUEHKB #1275/01 2961246
ZNR UUUUU ZZH
P 231246Z OCT 07
FM AMEMBASSY BAKU
TO RUEHC/SECSTATE WASHDC PRIORITY 4095
INFO RUEHVEN/USMISSION USOSCE PRIORITY 0713

UNCLAS BAKU 001275

SIPDIS

SENSITIVE
SIPDIS

DEPARTMENT FOR DRL/AE: WENDY SILVERMAN; EUR/PPD: BRUCE
ARMSTRONG, CHASE BEAMER, AND JOE MELLOTT

E.O. 12958: N/A
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KCOR](#) [KPAO](#) [AJ](#)
SUBJECT: ACTION REQUEST: PRESS GUIDANCE ON THE FARHAD
ALIYEV CASE

REF: A. BAKU 1165

[1](#)B. STATE 65602
[1](#)C. STATE 52621
[1](#)D. BAKU 472

SENSITIVE BUT UNCLASSIFIED - NOT FOR INTERNET DISTRIBUTION.

[1](#)1. (U) This is an action request. Please see paragraph 2.

[1](#)2. (SBU) As the trial of former Minister of Economic Development Farhad Aliyev wraps up (ref a), the need for definitive press guidance on his case has resurfaced. The Prosecutor has asked that Aliyev be sentenced to 11 years in prison on charges of misappropriation, embezzlement, illegal entrepreneurship, smuggling, tax evasion, abuse of power, accepting bribery, and forgery. A verdict is expected imminently. Due to the high level of international attention on this case, we expect the verdict to draw many questions from the press, both in Baku and in Washington. We appreciate the Department's guidance provided in refs b and c, and request feedback on the draft press guidance proposed below.

[1](#)3. (U) If Asked Suggested Press Guidance:

Question: Do you have any reaction to the verdict in the trial of former Azerbaijani Economic Development Minister Farhad Aliyev?

Answer: Public corruption is a cancer on society, a major impediment to the rule of law and Azerbaijan's democratic development. We have urged the Azerbaijani government to take measures to combat corruption, and we hope that this conviction is an indication of a broad effort to address this serious issue. We remain concerned, however, about the adequacy of due process afforded in this case, and respect for human rights during Mr. Aliyev's period of detention.

If Pressed:

Question: Was the case against Farhad Aliyev politically motivated?

Answer: We note the concerns of human rights activists and others that this arrest may have been, in part, politically motivated. The law enforcement and judicial systems should not be used as political tools.

Question: Is Farhad Aliyev a political prisoner?

Answer: No. We are certainly cognizant of the considerable speculation that has surrounded Mr. Aliyev since his October

2005 arrest. We are also aware that Mr. Aliyev's lawyers and advocates believe their client to be a political prisoner. However, Mr. Aliyev was prosecuted for public corruption. All officials suspected of public corruption should be held accountable for their actions through a fair and legitimate judicial process - a process that protects the rights of the defendants while ensuring that justice is done.

14. (SBU) Press Guidance Background Note:

Farhad Aliyev was among the most prominent GOAJ officials arrested in October 2005 on charges of plotting a coup and charges of official corruption shortly before November 6, 2005 nationwide parliamentary elections. Most commentators believed the coup plot charges were spurious but agreed that Aliyev could be legitimately prosecuted for public corruption.

The Embassy repeatedly urged the GOAJ to respect Aliyev's and all detainees' right to due process and a fair trial consistent with Azerbaijan's international commitments. Aliyev's lawyers have long complained about the adequacy of Aliyev's health care in pretrial detention and the GOAJ's refusal to allow his family access to him in the detention facility. There has been no evidence to suggest that Aliyev was subject to any physical abuse while awaiting trial and the international community generally believes the GOAJ has provided adequate and regular access to medical care for the defendant.

Aliyev's trial began on May 15 and ended on (insert date). While Embassy officers were eventually allowed to monitor trial proceedings, with the exception of the OSCE's trial monitoring project staff members, all other international observers were barred courtroom access. In addition, independent and opposition journalists and some of Aliyev's family members were not permitted access to many of the early

trial sessions. Aliyev's lawyers have noted concerns about numerous due process violations during the pre-trial period and trial proceedings. Aliyev was convicted on a range of charges related to public corruption and sentenced to (insert length of sentence).

DERSE